IN THE HIGH COURT OF JUDICATURE AT BOMBAY
O. O. C. J.

SUMMONS FOR JUDGMENT NO.63 OF 2007
IN
SUMMARY SUIT NO.1984 OF 2006

J.P. Cans Pvt. Ltd. ...Plaintiff.
Vs.
Evergreen Drums & Cans Pvt. Ltd. ...Defendant.

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Mr. Jayesh B. Kocheta for the Plaintiff.
Mr. S.U. Pandey for the Defendant.

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CORAM : DR.D.Y.CHANDRACHUD, J.
16th April 2007.

P.C.:

This Summons for Judgment is companion to Summons for Judgment 61 of 2007 and Counsel appearing on behalf of the Plaintiff and the Defendant are agreed that the facts are similar. The claim arises out of an agreement dated 3rd March 2005, by virtue of which the Plaintiff was to receive a commission of Rs. 1.20 per can for orders procured by the Plaintiff on behalf of the Defendant. The total amount that is due and outstanding on account of commission is Rs. 2.10 lakhs. Counsel appearing on behalf of the Defendant states that the same defences which have been raised in Summons for Judgment 61 of 2007 may be treated as having been raised in the present Summons for Judgment. For

the reasons already indicated while disposing of Summons for Judgment 61 of 2007, the Defendant is granted leave to defend the suit conditional on the deposit of an amount of Rs.2 lakh within a period of 8 weeks. There shall be an order accordingly. Upon the deposit being made, the Defendant would be at liberty to file a Written Statement within 8 weeks.

Upon deposit, the amount shall be invested in a fixed deposit of a Nationalized Bank to be renewed periodically during the pendency of the suit.

The Summons for Judgment is accordingly disposed of.

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